UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ANNIE WALKER,

Plaintiff,

Case No. 5:15-cv-00431-CAR

v.

JEFFERSON CAPITAL SYSTEMS, LLC, and FIRST NATIONAL COLLECTION BUREAU, INC.

Defendants.
____________________________________/

DEFENDANT, JEFFERSON CAPITAL SYSTEMS, LLC'S, ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT

Defendant, Jefferson Capital Systems, LLC (Jefferson), through counsel and under the Federal Rules of Civil Procedure, submits this Answer and Affirmative Defenses to the Complaint filed by plaintiff, Annie Walker (plaintiff) and states:

NATURE OF THE CASE

1. The Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq*. speaks for itself and is the best evidence of its content. To the extent the allegations in ¶ 1 state otherwise, denied.

2. Jefferson denies the allegations in ¶ 2.

3. The Fair Business Practices Act (FBPA), O.C.G.A., § 10-1-390, *et seq*. and the Unfair or Deceptive Practices Toward the Elderly and/or Disabled Act

(UDPTEA), O.C.G.A., § 10-1-850, *et seq*. speak for themselves and are the best evidence of their content. To the extent the allegations in ¶ 3 state otherwise, denied.

4. Jefferson denies the allegations in ¶ 4.

PARTIES, JURISDICTION, AND VENUE

5. Jefferson admits it is a Minnesota corporation registered with the Georgia Secretary of State. Except as specifically admitted, Jefferson denies the allegations in ¶ 5.

6. Jefferson admits the allegations in ¶ 6.

7. Jefferson denies the allegations in ¶ 7 for lack of knowledge or information sufficient to form a belief therein.

8. Jefferson denies the allegations in ¶ 8 for lack of knowledge or information sufficient to form a belief therein.

9. Upon information and belief, Jefferson admits the allegations in ¶ 9.

10. Upon information and belief, Jefferson admits this Court has jurisdiction. Except as specifically admitted, Jefferson denies the allegations in ¶ 10.

11. Upon information and belief, Jefferson admits this Court has jurisdiction and venue is proper. Except as specifically admitted, Jefferson denies the allegations in ¶ 11.

12. Jefferson denies the allegations in ¶ 12 as calling for a legal conclusion.

13. Jefferson denies the allegations in ¶ 13.

14. Jefferson denies the allegations in ¶ 14 as calling for a legal conclusion.

FACTS COMMON TO ALL COUNTS

15. Jefferson admits it placed an account in plaintiff's name with First National for collection. Except as specifically admitted, Jefferson denies the allegations in ¶ 15.

16. Jefferson denies the allegations in ¶ 16 for lack of knowledge or information sufficient to form a belief therein.

17. Jefferson denies the allegations in ¶ 17 for lack of knowledge or information sufficient to form a belief therein.

18. Jefferson denies the allegations in ¶ 18 for lack of knowledge or information sufficient to form a belief therein.

19. Jefferson denies the allegations in ¶ 19 for lack of knowledge or information sufficient to form a belief therein.

20. Jefferson denies the allegations in ¶ 20 for lack of knowledge or information sufficient to form a belief therein.

21. Jefferson denies the allegations in ¶ 21 for lack of knowledge or information sufficient to form a belief therein.

22. Jefferson denies the allegations in ¶ 22 for lack of knowledge or information sufficient to form a belief therein.

COUNT ONE – FAIR DEBT COLLECTION PRACTICES ACT

23. Jefferson reasserts the foregoing as if fully stated herein.

24. The FDCPA speaks for itself and is the best evidence of its content. To the extent the allegations in ¶ 24 state otherwise, denied.

25. Jefferson denies the allegations in ¶ 25 and its subparts a-b.

26. Jefferson denies the allegations in ¶ 26 and its subparts a-c.

COUNT TWO-FBPA

27. Jefferson reasserts the foregoing as if fully stated herein.

28. Jefferson denies the allegations in ¶ 28.

29. Jefferson denies the allegations in ¶ 29 as calling for a legal conclusion.

30. Jefferson denies the allegations in ¶ 30 as calling for a legal conclusion.

31. Jefferson denies the allegations in ¶ 31 its subparts a-b.

32. Jefferson denies the allegations in ¶ 32.

33. Jefferson denies the allegations in ¶ 33.

34. Jefferson denies the allegations in ¶ 34.

35. Jefferson denies the allegations in ¶ 35.

36. Jefferson denies the allegations in ¶ 36.

COUNT THREE – UDPTEA

37. Jefferson reasserts the foregoing as if fully stated herein.

38. Jefferson denies the allegations in ¶ 38.

39. The UDPTEA speaks for itself and is the best evidence of its content. To the extent the allegations in ¶ 39 state otherwise, denied.

40. Jefferson denies the allegations in ¶ 40.

41. Jefferson denies the allegations in ¶ 41.

JEFFERSON'S AFFIRMATIVE DEFENSES

1. To the extent that any violations are established, any such violations were not intentional and resulted from bona fide error notwithstanding the maintenance of procedures reasonably adopted and specifically intended to avoid any such error.

2. Jefferson denies any liability; however, regardless of liability, plaintiff has suffered no actual damages as a result of Jefferson's purported violations.

3. One or more claims asserted by plaintiff is barred by the statute of limitations, laches, estoppel, waiver, and/or unclean hands.

4. Assuming that plaintiff suffered any damages, she has failed to

mitigate her damages or take other reasonable steps to avoid or reduce her damages.

5. Any harm suffered by plaintiff was legally and proximately caused by persons or entities other than Jefferson and were beyond the control or supervision of Jefferson or for whom Jefferson was and is not responsible or liable.

6. Plaintiff has failed to state a claim against Jefferson upon which relief may be granted.

WHEREFORE, Defendant, Jefferson Capital Systems, LLC, requests that the Court dismiss this action with prejudice and grant it any other relief that the Court deems appropriate.

Respectfully submitted,

/s/ Wendi E. Fassbender
Wendi E. Fassbender, Esq.
Georgia Bar No.: 179133
SESSIONS, FISHMAN, NATHAN & ISRAEL, LLC
14 Coopers Glen Drive SW
Mableton, GA 30126-2584
Telephone: (678) 209-7492
Facsimile: (877) 480-5639
wfassbender@sessions.legal

Attorneys for Defendant,
Jefferson Capital Systems, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of November 2015, I have served the within document by cause a copy thereof, to be sent electronically to the registered participants in this case, if any, as identified on the Notice of Electronic Filing (NEF) and paper copies mailed, first class mail, postage prepaid to any non-registered participants in this case.

Clifford Carlson, Esq.
Cliff Carlson Law, P.C.
1114-C1 Highway 96 #347
Kathleen, GA 31047
cc@cliffcarlsonlaw.com
Counsel for Plaintiff

/s/ Wendi E. Fassbender
Wendi E. Fassbender, Esq.
Georgia Bar No.: 179133
SESSIONS, FISHMAN, NATHAN & ISRAEL, LLC
14 Coopers Glen Drive SW
Mableton, GA 30126-2584
Telephone: (678) 209-7492
Facsimile: (877) 480-5639
wfassbender@sessions.legal

Attorneys for Defendant,
Jefferson Capital Systems, LLC